

**TELECOMMUNICATIONS CONSULTANTS INDIA LIMITED**  
**(A Government of India Enterprise)**  
**APPLICATION FOR EMPANELMENT AS**  
**ARBITRATOR**

Applications on prescribed format are invited from eligible persons for empanelment with TCIL as an Arbitrator. The format of application and other terms and conditions may be downloaded from TCIL website <https://www.tcil.net.in> Completed applications alongwith the supporting documents (including documents proving fulfillment of eligibity criteria) may be submitted to the following on or before 19.04.2021

Mr. Vishal Kohli  
GM (CS & Legal)  
Telecommunications Consultants India Limited  
TCIL Bhawan, Greater Kailash-I, New Delhi.

Amendments/Corrigendum, if any, would be updated on the website only.

**TELECOMMUNICATIONS CONSULTANTS INDIA LIMITED**  
**(A Government of India Enterprise)**

**GUIDELINES ON EMPANELMENT AND APPOINTMENT OF ARBITRATORS**

Telecommunications Consultants India Limited (TCIL) is a public sector enterprise under the administrative control of Ministry of Communications. TCIL is executing turnkey projects and rendering consultancy services in the field of Telecommunications, IT & Civil.

TCIL intends to form panel of arbitrators consisting of retired officers of Government/PSEs/ Retired Judges/ eminent Lawyers having experience of minimum 20 years practice of law and having registration/empanelment with a recognized Arbitration Institution/Council.

This panel will be applicable for all kinds of arbitration cases in TCIL. Following terms & conditions would comprehensively govern the empanelment and engagement of arbitrator. These guidelines shall be binding on the empanelled Arbitrators.

**1. Eligibility Conditions for empanelment as Arbitrator**

- 1.1. The person should have retired on superannuation at minimum SAG Regular (Functional) grade from any Government Department.

OR

The person should have retired on superannuation as a Director of Schedule 'B' or 'C' PSU or at E-9 level or above from any Schedule 'A' PSU. In case of ex-employees of TCIL, such person should have retired atleast three years prior to the last date of receiving application.

OR

Such person should have been a Retired Judge of District and Session Court/High Court/Supreme Court of India.

OR

Such person should be an Advocate having experience of minimum 20 years practice of law and registered/empanelled with any recognized Arbitration Institution/Council like ICA, ICADR, SCOPE Forum of Arbitration, DIAC etc.

- 1.2. In case of Retired Govt/PSU officers/Retired Judges:

- (i) There must not be any vigilance case pending against him/her at the time of his/her retirement on superannuation/retirement and thereafter.
- (ii) During last 5 years prior to his/her superannuation and as on date neither any vigilance charge sheet has been served to him/her nor any vigilance proceeding initiated against him/her.
- (iii) No vigilance/criminal case has been contemplated/filed against him/her.
- (iv) No penalty should have been imposed on such person in any vigilance/ disciplinary case during his/her entire career.

- 1.3. Such person shall be physically and mentally fit to conduct the proceedings at the decided venue/place of the Arbitration.

- 1.4. Such person should not have been convicted or facing criminal prosecution.

- 1.5. The applicants shall not be employed / engaged on full time basis anywhere at the time of application.
- 1.6. Such empanelled persons shall be allowed to be on TCIL panel upto 70 years of age only i.e. no new case would be assigned to any Arbitrator after 70 years of age. However, any case assigned to an Arbitrator prior to reaching of 70 years of age shall continue to be dealt by him.

Applicant will be solely responsible for accuracy of the information furnished by him/her for his/her empanelment as Arbitrator. If at any stage it is found that information furnished by the applicant is false, TCIL will be at liberty to remove his/her name from Panel of Arbitrators.

## **2. Methodology for Empanelment**

- 2.1. The persons desirous of getting empanelled should submit their application in the prescribed format (attached herewith) alongwith the Declaration in the Annexure-I.
- 2.2. The duly filled in applications shall be sent to Company Secretary, TCIL, TCIL Bhawan, Greater Kailash-I, New Delhi.
- 2.3. The applications received shall be scrutinized by an internal Screening Committee at TCIL for consideration.
- 2.4. Persons who give their unconditional acceptance to the fee schedule will only be empanelled.
- 2.5. The Arbitrator can be removed from the panel of Arbitrator of TCIL at the discretion of CMD of TCIL at any time, & in the absence of CMD, by the Management Committee of TCIL.

## **3. Assigning the cases:**

- 3.1. For all the disputes, arbitrator shall be appointed/nominated from the panel of arbitrators having relevant expertise/experience, which shall be at the discretion of the TCIL management.
- 3.2. The number of cases referred to each empanelled arbitrator for arbitration shall be restricted as per law.
- 3.3. The venue of arbitration shall be TCIL Corporate Office, New Delhi unless otherwise agreed to.
- 3.4. The provisions as provided in The Arbitration and Conciliation Act 1996 would be followed in all the Arbitral proceedings unless provided otherwise in the contract.

#### **4. Duties and Responsibilities of Arbitrators**

- 4.1. The nominated Arbitrator shall make endeavor to publish the award within the time prescribed under the Arbitration and Conciliation Act.
- 4.2. The nominated arbitrator should be fair and absolutely impartial. The terms of reference under the arbitration agreement should be strictly followed.
- 4.3. The arbitrator must give the parties notice of hearing and sufficient opportunity to present their case. Both the parties must be given equal opportunity to produce evidence and to put forward their case.
- 4.4. The arbitrator is entitled to proceed ex parte if it is clear that the party to whom reasonable notice has been given does not appear or if there is clear indication that the party has no intention of appearing.

#### **5. Payment Terms:**

Fixation of Arbitration fee and other charges will be dependent on the value of Amount in Dispute and would be regulated in the following manner:

<b>AMOUNT INVOLVED IN DISPUTE</b>	<b>LUMP SUM FEES IN RS.</b>
Upto Rs. 3 crore	1,00,000/-
More than Rs. 3 Crore and upto Rs. 10 Crores	150,000/-
More than Rs. 10 Crore and upto Rs. 25 Crores	200,000/-
More than Rs. 25 Crores	250,000/-
Clerkage	10%
Travelling expenses	Rs. 1,000/- per hearing

- 5.1 The above fees is to be shared equally by both the parties i.e. the Claimant and the Respondent.
- 5.2 The fees shall be paid to the Arbitrator in following instalments :
  - first 25% after first hearing.
  - second 25% after framing of issues in the matter.
  - third installment of 25% after conclusion of arguments.
  - fourth and final instalment of 25% after issue of Award.
- 5.3 If in terms of Arbitration Clause the Arbitral Tribunal is constituted of more than one arbitrator, then each Arbitrator shall be paid this fee individually as per the foregoing paras.
- 5.4 Neither boarding / lodging facility will be provided nor any expenses in respect of the same would be paid by TCIL.

**APPLICATION FOR EMPANELMENT OF ARBITRATOR IN TCIL**

- 1. Name  
.....
- 2. Date of Birth  
.....
- 3. Permanent residential address and phone number/Mobile/E-mail  
.....
- 4. Educational Qualifications  
.....
- 5. Grade at the time of Retirement (kindly attach the copy of retirement order)  
.....
- 6. Last/Present post held alongwith Organisation/Registration with Arbitration Institutions  
(as applicable)  
.....
- 7. Date of retirement  
.....
- 8. Place of retirement & PPO/Place of present posting (as applicable)  
.....
- 9. Specialization/Area of Experience:- (Telecom/IT/Civil/Finance/Others)  
.....
- 10. Experience as Arbitrator (If Any)

<b>Sr No</b>	<b>Subject matter of Dispute</b> (Telecom, IT, Civil, Procurement etc)	<b>Designation/Level</b> (When appointed as an Arbitrator)	<b>Award Published</b> (Yes or No)

\*Applicants may attach separate sheet/s for describing their Experience in Arbitration (If required).

11. I hereby declare that (strike out whichever is not applicable):

- (i) I submit that there was no vigilance/disciplinary case pending against me at the time of my retirement and after retirement No Vigilance/Criminal case has been contemplated/filed against me.
- (ii) No penalty was ever imposed against me in any vigilance/disciplinary case during my entire career.
- (iii) I also confirm that during last 5 years prior to my superannuation and as on date neither any vigilance charge sheet has been served to me nor any vigilance proceeding initiated against me.
- (iv) If I am empanelled as an arbitrator in TCIL and thereafter I wish to resign from TCIL panel, I shall intimate the Company Secretary, TCIL at least one month in advance before such resigning. However, I shall complete the case pending before me to a logical conclusion. In emergent situation if I am not able to proceed with the case, then I will provide all information/documents etc. to the new Arbitrator appointed in my place by TCIL. I shall also not demand any further fee for such matters.
- (v) I also undertake to return all the records/ documents pertaining to matters pending with me to the CMD, TCIL on transfer of any case from me to any other arbitrator or my removal from the TCIL panel of Arbitrators.
- (vi) The information given above is true to the best of my knowledge & belief.
- (vii) I hereby unconditionally agree to abide by the fee structure and other terms & conditions of the TCIL guidelines for empanelment and appointment of arbitrators.

Date: .....

Signature .....

Place: .....

Name of the Applicant.....

**Declaration under the Sixth Schedule [section 12 (1)(b)]**

Name:

Contact details:

Prior experience (including experience with Arbitrations):

Number of ongoing arbitrations:

Circumstances disclosing any past or present Relationship with or interest in any of the parties or in relation to the subject-matter in dispute, whether Financial, business, professional or other kind, which is likely to give rise to justifiable doubts as to your Independence or impartiality (list out):

Circumstances which are likely to affect your ability to devote sufficient time to the arbitration and in particular your ability to finish the entire arbitration within twelve months (list out):